

EXHIBIT 3

*Excerpts of October 18, 2024,
Deposition of Bob Phillips*

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

* * *

SHAUNA WILLIAMS; et al.,
Plaintiffs,

vs. CIVIL ACTION NO. 23-CV-1057

REPRESENTATIVE DESTIN HALL, in
his Official Capacity as Chair
of the House Standing Committee
on Redistricting; et al.,

Defendant.

* * *

NORTH CAROLINA STATE CONFERENCE OF
THE NAACP; et al.,
Plaintiffs,

vs. CIVIL ACTION NO. 23-CV-1104

PHILIP BERGER, in his official
capacity as the President Pro
Tempore of the North Carolina
Senate; et al.,

Defendants.

REMOTE 30(b)(6) DEPOSITION OF BOB PHILLIPS
OCTOBER 18, 2024

* * *

1 Remote 30(b)(6) Deposition of
2 BOB PHILLIPS, a witness herein, called by the
3 Legislative Defendants for examination pursuant
4 to the Rules of Civil Procedure, taken before
5 me, Patti Stachler, RMR, CRR, a Notary Public
6 within and for the State of Ohio, at the office
7 of Southern Coalition for Social Justice,
8 Durham, North Carolina, on October 18, 2024, at
9 9:38 a.m.

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I N D E X

BOB PHILLIPS	PAGE
Examination by Ms. Prouty	6
Examination by Ms. Klein	258
Further Examination by Ms. Prouty	272

INDEX OF EXHIBITS

NO.	DESCRIPTION	PAGE
Exhibit 1	Amended Notice of Deposition	8
Exhibit 2	Complaint	38
Exhibit 3	NAACP Plaintiffs' Discovery Responses	48
Exhibit 4	Web page - Become a Common Cause Member	59
Exhibit 5	Web page - Contact	62
Exhibit 6	Phillips Affidavit	104
Exhibit 7	Allen v Milligan Decision Summary	255
Exhibit 8	NAACPPS_0004442 (Highly Confidential)	260

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15
16 * * *

1 not ten members -- but the --

2 A. Standing members.

3 Q. The standing members. For each of
4 the standing members, did you verify whether
5 they have donated financially to Common Cause
6 in the last two years?

7 A. Yes.

8 Q. Okay. And is it your testimony
9 that all of the standing members have donated
10 to Common Cause in the last two years?

11 A. No. It is my testimony that there
12 are donors within the standing members, but not
13 all 100 percent of those standing members are
14 Common Cause North Carolina donors. They are
15 members through those other options that we've
16 talked about.

17 Q. How many members -- how many of
18 the standing members have donated financially
19 in the last two years?

20 A. I don't know. I didn't really
21 take note of that carefully to think, you know,
22 X percent are North Carolina donors. It was
23 for us probably a member or active member.

24 Q. So if there were members who
25 have -- standing members who have not donated

1 financially in the last two years, how did you
2 verify that they were otherwise active members
3 of Common Cause?

4 A. Again, as we had talked about, we
5 do note when people have done something, if
6 they've attended a meeting or if they've done
7 some kind of an action of a take action.

8 So as I had mentioned as well,
9 we've been doing a lot of outreach of
10 communities in these areas, and so we have what
11 I would say would be very current, you know,
12 information about that. Many people are, you
13 know, both donors and folks -- I say many
14 people. I don't have a number to quantify
15 that, but there would be standing members who
16 were both donors and folks who are taking
17 action or they attended a meeting or they've
18 done something like that with us in the last
19 two years.

20 Q. So there are standing members who
21 have not donated financially, but they have
22 taken action with Common Cause in the last two
23 years?

24 A. Every person that is in that
25 standing member that we were talking about --

1 Q. Yes.

2 A. -- is an active member of Common
3 Cause North Carolina, every single one of them.

4 Q. Did you verify what type of action
5 that they had taken with Common Cause in the
6 last ten years?

7 A. So we certainly did. I mean,
8 because that was the way we would know are you
9 an active member. So, yes, that was verified.

10 Q. Okay. Was there a threshold that
11 you applied of number of events that someone
12 had attended or number of phone calls that
13 someone had made or those advocating on behalf
14 of an issue for Common Cause, was there a
15 threshold for those types of actions that you
16 applied to determine that someone was active
17 and could be included as a standing member?

18 A. No.

19 Q. So someone could have attended one
20 event and advocated on behalf of Common Cause
21 and they could be a standing member?

22 A. They could. As we had talked
23 about, you know, that is a member. And we
24 don't have a scale of, you know, who's done X
25 number of times or whatever, but, yes. If they

1 Q. How did you verify if the
2 potential standing members had regularly voted
3 in the past?

4 A. You go to the voter file and see,
5 you know, if they cast a ballot.

6 Q. And when Common Cause spoke to
7 each of these standing members in December of
8 2023, did they verify that the standing members
9 intend to vote in the future?

10 A. I don't know if that was something
11 that was specifically asked.

12 Q. In the ten phone calls that you
13 made, was that something you asked?

14 A. I was covering more about the
15 lawsuit, so it was not something that I had
16 asked.

17 Q. Okay. Did Common Cause do
18 anything to verify who was the candidate of
19 choice for each of the standing members?

20 A. You mean in terms of a specific
21 candidate or specific name? That was not
22 discussed.

23 Q. Okay. And so in the ten phone
24 calls that you made, you didn't ask that
25 question?

1 A. No, I did not talk candidates or
2 potential -- you know.

3 Q. Okay. In that December 2023
4 outreach, did Common Cause verify if the
5 standing members were willing to have their
6 names and addresses disclosed in this lawsuit?

7 A. We did. But that was where, as I
8 state in my affidavit, about how
9 confidentiality is very important to us. So we
10 talked about it in those terms about what that
11 might mean.

12 Q. You had that conversation in
13 December of 2023 before the lawsuit was filed?

14 A. Right.

15 Q. And what exactly did you tell them
16 about confidentiality and whether their names
17 and addresses would be disclosed?

18 A. Well, just that our position would
19 be that we would never release their names or
20 agree to having their names be released
21 publicly.

22 Q. Under any circumstances, they
23 would -- you would never agree to release them?

24 A. Not to the public. It would be a
25 protected seal if we could possibly agree to,

1 and that's how we were discussing that.

2 Q. Did any of the standing members
3 express a willingness to have their names and
4 addresses disclosed?

5 A. No, not to us in terms of -- you
6 know, if you're asking publicly disclosed?

7 Q. Yeah.

8 A. No.

9 Q. Okay. Did any of them state that
10 they would withdraw from the case if their
11 names and addresses would be publicly
12 disclosed?

13 A. We did receive that information
14 from some of the members, yes.

15 Q. Okay.

16 A. I mean, again, I can't tell you
17 how many, but that was a concern by members,
18 that they would not want their names to be
19 publicly disclosed.

20 Q. Who specifically shared that
21 concern?

22 MS. KLEIN: Objection. To the extent
23 that it would include disclosing the identity of
24 members, we are claiming First Amendment privilege
25 over that. So I'll instruct the plaintiff not to

1 that's the number of districts listed?

2 A. I do.

3 Q. Okay. Can you explain why the
4 complaint states that Common Cause had members
5 in six districts -- six Senate Districts, but
6 the response to interrogatory number 4 only
7 states that Common Cause had members in three
8 Senate Districts?

9 A. Yes. The difference is that in
10 July, when we went back and, again, calling all
11 the members that we had connected with in
12 December, there were simply some folks that we
13 were not able to reach for whatever reason.

14 When I say for whatever reason, we
15 were not able to reach them. And out of an
16 abundance of caution, we then excluded those
17 folks that we were not reaching in July from
18 this discovery document.

19 Q. Okay. Was anyone removed as a
20 standing member in July of 2024 because they
21 said they no longer wanted to have their
22 standing asserted in this case?

23 A. No, not that I'm aware of.

24 Q. Okay. And was anyone removed as a
25 standing member because they did not want to

1 have their name or address publicly identified?

2 A. We, to my knowledge, did not
3 remove anyone for that purpose, though we have
4 certainly, as I have mentioned earlier to you,
5 that we had heard from members who were not
6 wanting to have their name and address publicly
7 identified. So we know that going in. But in
8 July I don't recall or know that there were
9 people that we heard then that, you know, said
10 take me off the list because of that. We had
11 already had that conversation with folks.

12 Q. Did any of the standing members
13 say that they would still be willing to have
14 their standing asserted in this case even if it
15 meant their names and addresses would be
16 publicly identified?

17 A. I'm not aware that that was
18 actually affirmatively stated to any of us.

19 Q. Okay. Do you know if it was asked
20 of anyone?

21 A. If we asked -- you're asking did
22 we ask anyone, hey, if we had to -- we did not
23 ask that, no.

24 Q. Okay.

25 A. Because, again, that is -- would

1 concentration of African-American members, and
2 they under this plan are not able to select
3 anyone of their choosing because of the way the
4 map has fallen.

5 Q. I understood your testimony
6 earlier that you did not ask the standing
7 member in Senate District 1 who their candidate
8 of choice was; isn't that correct?

9 A. That's correct.

10 Q. Did you speak with the standing
11 member in Senate District 1 about what their
12 harm is in this case?

13 A. In terms of talking to them about
14 what we were doing and why, yes, that the maps
15 were not allowing for African-American
16 opportunity districts in that part of the
17 state. And certainly members are aware of
18 that, and understanding that it is a
19 discriminatory map, that harms them.

20 Q. Did you talk to the member -- the
21 standing member in Senate District 1
22 personally?

23 A. I don't recall if the people that
24 I talked with are from -- I mean, which
25 districts. I would have to look back.

1 But, again, going back to, you
2 know, what I said, every person that we have in
3 this complaint is someone that we had
4 conversations with to explain the complaint and
5 the whys behind it and the harm that they would
6 incur.

7 Q. But you didn't specifically talk
8 with the member in Senate District 1 about what
9 their harm is; is that correct?

10 A. If it's personally me, maybe I
11 don't recall.

12 Q. Yeah.

13 A. But, you know, again, as an
14 organization, it's not just me. As we have
15 talked about, we were contacting and having
16 conversations with members that are listed that
17 are a part of this complaint.

18 Q. Can you tell me which Common Cause
19 staff member spoke to the person in Senate
20 District 1?

21 A. You know, again, there were, as I
22 mentioned, a half-dozen of us doing those
23 calls, so I don't know that I could, sitting
24 here with no information, tell you that.

25 Q. Does Common Cause have records of

1 a tremendous burden on, and particularly young
2 people.

3 BY MS. KLEIN:

4 Q. And what -- how do you get that
5 sense?

6 A. Well, just understanding that some
7 of the members that we have are super engaged
8 and super active and they have the time and
9 they have the sort of know-how and they put a
10 lot of commitment of their lives, you know, to
11 be an active member because that's what they
12 are being a, you know, strong provider to
13 improving our democracy.

14 It's not to say that younger folks
15 and working folks are not as committed and
16 dedicated, but they don't have the time and
17 they don't have perhaps the experience of
18 having that kind of exposure.

19 Q. And how many years have you been
20 working with members in your role at Common
21 Cause?

22 A. I mean, since I started the job.

23 Q. So if you had to ballpark guess
24 how many members you have interacted with over
25 that period of time, what would you --

1 A. It would be hundreds. I mean,
2 maybe in, you know, thousands. I guess I could
3 say that it would definitely be thousands
4 because, you know, interactions can be a
5 variety of things, but, sure, that would be
6 accurate.

7 Q. You were shown disclosures that
8 were made by the individual defendants in this
9 earlier. Do you remember that?

10 A. (Nodding head.)

11 Q. And you were shown specifically
12 individual defendants disclosing that -- Mitzi
13 Reynolds disclosing that she is a member of
14 Common Cause. Do you remember that?

15 A. I do.

16 Q. Did you make that decision for her
17 to disclose her as a member?

18 A. No. No. She, you know, made that
19 decision on her own, and we certainly found out
20 about it after the fact.

21 Q. And if one member of Common Cause
22 is willing to stand up and self-identify, to
23 you does that indicate that every single other
24 member of Common Cause would do the same thing?

25 A. Yeah, no, absolutely not. I think

1 Mitzi is an example. She's very active and,
2 for her, she has -- able to make that decision
3 on her own based on her activism. And not
4 everybody, you know, would be able to be able
5 to do that or feel that way.

6 Q. And what about if people show up
7 to, you know, a public rally or a public lobby
8 day wearing a Common Cause T-shirt, does that
9 tell you that every single member of Common
10 Cause is willing to be self-identified as
11 associated with the organization?

12 A. No. I mean, some people certainly
13 are with us, but they're, you know, not
14 necessarily going to be -- well, you know, in
15 this instance -- they're not necessarily going
16 to be willing to be identified publicly that
17 they're a part of us.

18 Q. All right. And just going back to
19 the issue of depositions, what if somebody, you
20 know, a member who did not -- strike that.

21 I asked you about the impact of
22 depositions and what that would have on members.
23 Can you tell me, what about being called at trial?
24 If one of your standing members were called at
25 trial, what kind of -- as a possibility of that,

1 evening, October 16th, I believe after
2 7:00 p.m. So my question to you is, why was
3 this produced on October 16th and not on
4 October 2nd when you submitted your affidavit?

5 A. Well, you know, again, I'm not
6 involved in all the legal kind of strategies
7 and such. I know that we were needing to
8 confirm the race of the one individual. And,
9 again, I'm making -- in terms of talking with
10 staff and attorneys, I would imagine it would
11 be just to, again, be sure. And that was one
12 last check.

13 I'm sorry, but I wasn't trying to
14 ask a antagonizing question to you, but it took
15 me a while to kind of figure out what you were
16 asking.

17 Q. Sitting here today just looking at
18 this document, Exhibit 8, can you confirm which
19 of these members that you personally spoke
20 with, if any of them?

21 A. There are members on that document
22 that I talked with way back in December.
23 Obviously, I'm not able to say who they are and
24 how many there are on that list.

25 Q. Can you direct me to the page of

1 STATE OF OHIO)

2 COUNTY OF HAMILTON) SS: CERTIFICATE

3
4 I, Patti Stachler, RMR, CRR, a
5 Notary Public within and for the State of Ohio,
6 duly commissioned and qualified,

7 DO HEREBY CERTIFY that the
8 above-named BOB PHILLIPS was by me first
9 remotely duly sworn to testify the truth, the
10 whole truth, and nothing but the truth.

11 Said testimony was reduced to
12 writing by me stenographically in the presence
13 of the witness and thereafter reduced to
14 typewriting.

15 I FURTHER CERTIFY that I am not a
16 relative or attorney of either party, in any
17 manner interested in the event of this action,
18 nor am I, or the court reporting firm with
19 which I am affiliated, under a contract as
20 defined in Civil Rule 28(D).

1 IN WITNESS WHEREOF, I have
2 hereunto set my hand and seal of office at
3 Cincinnati, Ohio, on this 21st day of October
4 2024.

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8

PATTI STACHLER, RMR, CRR

9 NOTARY PUBLIC, STATE OF OHIO

My commission expires 10-5-2028

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